

# EXHIBIT L

**OFFICE OF INSPECTOR GENERAL**

**Issues Requiring Action  
at the Essex County  
Correctional Facility in  
Newark, New Jersey**



Homeland  
Security

**February 13, 2019**  
**OIG-19-20**



# DHS OIG HIGHLIGHTS

## ***Issues Requiring Action at the Essex County Correctional Facility in Newark, New Jersey***

**February 13, 2019**

### **Why We Did This Inspection**

This inspection is part of an ongoing review of ICE detention facilities. While conducting an unannounced visit to the Essex County Correctional Facility using ICE's 2011 *Performance-Based National Detention Standards*, we identified serious violations.

### **What We Recommend**

We recommend that ICE conduct a full review of the Essex County Correctional Facility and Essex County Department of Corrections' management of the facility immediately to ensure compliance with ICE's 2011 *Performance-Based National Detention Standards*. As part of this assessment, ICE must ensure compliance with the standards addressing reporting incidents involving detainees and facility conditions.

#### **For Further Information:**

Contact our Office of Public Affairs at (202) 981-6000, or email us at [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

### **What We Found**

During our July 2018 unannounced inspection of the Essex County Correctional Facility in Newark, New Jersey, we identified a number of serious issues that violate U.S. Immigration and Customs Enforcement's (ICE) 2011 *Performance-Based National Detention Standards* and pose significant health and safety risks at the facility. Specifically, we are concerned about the following issues:

- Unreported Security Incidents
- Food Safety Issues
- Facility Conditions

ICE must ensure the Essex County Correctional Facility complies with detention standards to establish an environment that protects the safety, rights, and health of detainees, including more closely scrutinizing the facility's process for reporting incidents involving detainees, the handling of perishable foods, and the detainees' living conditions. Mitigation and resolution of these issues require ICE's immediate attention and increased engagement with the facility and its operations.

### **ICE Response**

ICE concurred with the report recommendation and described corrective actions to address the issues identified in this report. We consider the recommendation resolved and open.



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Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

February 13, 2019

MEMORANDUM FOR: Ronald D. Vitiello  
Senior Official Performing the Duties of the Director  
U.S. Immigration and Customs Enforcement

FROM: John V. Kelly   
Senior Official Performing the  
Duties of the Inspector General

SUBJECT: *Issues Requiring Action at the Essex County  
Correctional Facility in Newark, New Jersey*

For your action is our final report, *Issues Requiring Action at the Essex County Correctional Facility in Newark, New Jersey*. We incorporated the formal comments provided by your office.

The report contains one recommendation aimed at improving ICE detention operations. Your office concurred with the recommendation. Based on information provided in your response to the draft report, we consider the recommendation open and resolved.

Once your office has fully implemented the recommendation, please submit a formal closeout letter to us within 30 days so that we may close the recommendation. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to [OIGSREFollowup@oig.dhs.gov](mailto:OIGSREFollowup@oig.dhs.gov).

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination

Please call me with any questions, or your staff may contact Jennifer L. Costello, Deputy Inspector General, or John D. Shiffer, Chief Inspector, at (202) 981-6000.



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Department of Homeland Security

### Background

The Essex County Correctional Facility in Newark, New Jersey, is owned and operated by the Essex County Department of Corrections, and can house up to 928 male U.S. Immigration and Customs Enforcement (ICE) detainees through an Intergovernmental Service Agreement (IGSA) between the Essex County Department of Corrections and ICE. Based on this agreement, the Essex County Correctional Facility must comply with ICE's 2011 *Performance-Based National Detention Standards*, as revised in December 2016. These detention standards establish requirements for areas such as:

- environmental health and safety: e.g., cleanliness, sanitation, security, admission into facilities, classification, detainee searches, segregation<sup>1</sup> (Special Management Units), and disciplinary system;
- detainee care: e.g., food service, medical care, and personal hygiene;
- activities: e.g., religious practices, telephone access, and visitation; and
- grievance system.

In July 2018, we visited the Essex County Correctional Facility as part of our latest round of unannounced spot inspections. At the time, approximately 216 Essex County Department of Corrections' guards oversaw 797 male detainees. At the facility, detainees with prior criminal history are held in 1 of 7 housing units with up to 64 cells holding 2 detainees per cell. Detainees with no criminal history are held in 1 of 7 open bay dormitories, each holding up to 60 detainees. Finally, the Special Management Unit contained eight cells, in a corridor physically separated from inmates, for segregated detainees who had violated facility rules or requested to be separated from other detainees for their safety. While at the facility, we identified serious issues relating to safety, security, and environmental health that require ICE's immediate attention. These issues not only constitute violations of ICE detention standards but also represent significant threats to detainee health and safety.

### Failure to Report Guard's Unsecured Loaded Firearm Reflects Ongoing Problem

According to the ICE Standards,<sup>2</sup> Essex County Correctional Facility must report to ICE any incidents involving detainees. However, the facility failed to

<sup>1</sup> Segregation is the process of separating certain detainees from the general population for administrative, disciplinary, or protective reasons.

<sup>2</sup> ICE, *Performance-Based National Detention Standards*, 2011, Section 2.4, Facility Security and Control (Revised Dec. 2016). The pertinent part of this standard requires facility administrators to ensure the ICE field office director "is promptly notified of any incident or allegation of staff misconduct if that misconduct relates to treatment of ICE detainees, to the security or safety of





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Department of Homeland Security

do so following a detainee's discovery and reporting of a guard's loaded handgun left in a facility staff bathroom that the detainee was cleaning. This marks the fourth time in less than a year that the facility failed to notify ICE of incidents involving detainees and raises serious concerns about the facility's ability to handle security issues.

Interviews with detainees and facility management revealed that an Essex County Department of Corrections guard left a loaded handgun in the facility staff bathroom stall in April 2018. Facility leadership confirmed the incident occurred in a staff bathroom, which detainees clean as part of their job duties. A detainee on a cleaning crew reported discovering the loaded weapon and notifying guards. ICE Standards<sup>3</sup> mandate that officers store all weapons in individual lockers before entering the facility. The guard in question admitted to leaving the loaded handgun in the bathroom and was given a 90-day suspension, which was later reduced in a settlement to a 45-day suspension.

Facility leadership completed a review of the incident, but did not interview the detainee who found the weapon. Rather, facility leadership reported to us that they told the detainee not to discuss the matter with anyone else. The review documented by the facility does not mention that the detainee found and reported the loaded weapon.

Facility records also do not indicate that ICE was notified of the incident, as required by ICE Standards. ICE confirmed it was never notified, despite previously citing the facility for failure to report issues involving detainees, including detainee fights and hospitalization for mental illness. Although the Essex facility initiated new procedures in response to the previous citation, facility management confirmed they did not contact ICE or report the incident even after the facility completed its review.

During our site visit, we notified ICE of the incident and, in August 2018, ICE issued a Contract Discrepancy Report. The report outlined this incident as the fourth time in less than a year that the Essex Facility had failed to notify ICE of detainee-related incidents. The penalty for this discrepancy report can be a fine up to a 5 percent reduction of invoiced amounts. The penalty is pending final review and issuance by ICE.

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the facility, or to compliance with detention standards or the provisions of the facility's contract with ICE."

<sup>3</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 2.7, Key and Lock Control (Revised Dec. 2016). The pertinent part of this standard requires that "all firearms shall be stored in secure gun lockers before their carriers enter the facility."



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Not only does this specific incident pose significant security and safety risks, but so does the facility's pattern of failing to report such incidents involving detainees. Consequently, ICE must more closely scrutinize and oversee the facility's process for reporting incidents involving detainees, and administer penalties as appropriate.

### **Food Safety Issues Endanger Detainee Health**

During our visit to the Essex County Correctional Facility, we identified a host of food safety problems that could endanger the health of detainees. ICE standards<sup>4</sup> obligate the Essex Facility to ensure sound safety and sanitation practices in all aspects of food service. However, when inspecting the refrigeration units, we found mishandling of meats and storage of moldy bread, which has led to potentially contaminated food being served to detainees. The food handling, in general, was so substandard that ICE and facility leadership had the kitchen manager replaced during our inspection. Overall, our inspection validated media reports<sup>5</sup> of concerns about food, particularly meat, which was raw, spoiled, or expired.

We observed open packages of raw chicken leaking blood all over refrigeration units (see figure 1) and identified slimy, foul-smelling lunch meat, which appeared to be spoiled, held in the refrigeration unit. Although this mishandling of meats can spread salmonella, listeria, and E. coli, leading to serious foodborne illness, we observed facility staff serving this potentially spoiled meat to detainees.

<sup>4</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 4.1, Food Service (Revised Dec. 2016). The pertinent part of this standard requires that "[d]etainees, staff and others shall be protected from injury and illness by adequate food service training and the application of sound safety and sanitation practices in all aspects of food service and dining room operations."

<sup>5</sup> *Ailing Justice: New Jersey, Inadequate Healthcare, Indifference, and Indefinite Confinement in Immigration Detention*, Human Rights First (February 2018), <https://www.humanrightsfirst.org/sites/default/files/Ailing-Justice-NJ.pdf>.



## OFFICE OF INSPECTOR GENERAL

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**Figure 1.** Refrigerator with blood leaking from open boxes containing raw chicken. Observed by the Office of Inspector General (OIG) at the Essex Facility on July 24, 2018. *Source:* OIG

Detainees also reported being repeatedly served meat that smelled and tasted bad. During dinner service, we observed facility staff serving detainees hamburgers that were foul smelling and unrecognizable (see figure 2).



**Figure 2.** Slimy and discolored lunch meat stored without any labels (at left). Hamburger patty served to detainees that was foul smelling and unrecognizable (at right). Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

In addition, we observed expired and moldy bread in the facility refrigerator despite U.S. Department of Agriculture guidance<sup>6</sup> to discard bread with mold. Kitchen staff reported placing all unused bread from food service into large trash bags and trash cans to be used for making bread pudding once every 2–3 weeks. Furthermore, kitchen management posted a sign prohibiting the disposal of any bread (see figure 3). According to the U.S. Department of Agriculture, such practices put the health of staff and detainees at risk as mold

<sup>6</sup> United States Department of Agriculture: Molds On Food: Are They Dangerous? [https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/molds-on-food-are-they-dangerous\\_/ct\\_index](https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/molds-on-food-are-they-dangerous_/ct_index)





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can cause allergic reactions and respiratory problems, and some molds, in the right conditions, can produce poisonous substances that can cause illnesses.



**Figure 3.** Undated moldy bread held in the refrigeration unit for indefinite periods. Signage posted in the kitchen to direct staff not to discard any bread. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

Our interviews with detainees and review of grievances corroborated concerns regarding food safety at the Essex Facility. Detainees stated the food was of low quality and consuming it caused vomiting and diarrhea, common symptoms of food poisoning. Detainees also stated most of them now purchase their food through the commissary, which generally does not offer fresh meat and produce. From January 2018 to July 2018, detainees filed approximately 200 kitchen-related grievances (about 12 percent of all grievances filed) with comments such as:

- “For dinner, we were served meatballs that smell like fecal matter. The food was rotten.”
- “The food that we received has been complete garbage, it’s becoming impossible to eat it. It gets worse every day. It literally looks like it came from the garbage dumpster; I have a stomach infection because of it and the nurse herself told me it was caused by the food.”

Further, a detainee in segregation said the food was so bad that he had started a liquid only diet and was considering a full hunger strike.

Based on the substandard food safety and sanitation practices we observed, ICE cannot ensure detainee health at the Essex Facility. Although ICE standards require the protection of detainees from illness through adequate food service, the Essex Facility has risked the spread of foodborne illness by knowingly serving detainees potentially contaminated meat and bread. As a result, ICE must more closely scrutinize and oversee the facility’s management



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of food processing, preparation, and storage to ensure it complies with required standards.

### Facility Conditions Present Risks to Detainee Health and Safety

ICE standards<sup>7</sup> require the facility to conduct preventive maintenance and regular inspections to ensure timely repairs. Despite these standards, we observed environmental conditions at the Essex Facility that pose serious health and safety risks for detainees, including leaking ceilings in detainee living areas, showers laced with mold and peeling paint, and dilapidated beds. Detainees also lack access to recreation space outside of their living area.

During our inspection, we found ongoing leaks in every housing unit holding detainees (see figure 4). We observed two of the leaks dripping directly onto detainee beds. We also witnessed trash cans placed around the facility to catch water leaking from the ceiling. These leaks can cause mold and mildew growth, which can spread throughout the facility leading to serious health issues for detainees, including allergic reactions and persistent illnesses.



**Figure 4.** Roof leaks found in every housing unit.

Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

Facility conditions in the showers also revealed serious concerns about basic maintenance and upkeep. Although the facility reported that it rotates maintenance and painting for detainee living areas, in six of the seven detainee

<sup>7</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 1.2, Environmental Health and Safety (Revised Dec. 2016). The pertinent part of this standard requires that “[p]reventive maintenance and regular inspections shall be performed to ensure timely emergency repairs or replacement and to prevent dangerous and life-threatening situations.”



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dormitories and all seven detainee housing units, shower stalls<sup>8</sup> were unsanitary as evidenced by mildew, mold, and peeling paint. Mold in the showers extended into the hallways leading to the showers (see figure 5).



**Figure 5.** Hallway leading to shower filled with mold and shower stall with mold, mildew, and peeling paint. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

In addition, we found housing unit mattresses<sup>9</sup> in such poor condition that detainees were using bed sheets to tie the seams of mattresses together so the filling did not come out (see figure 6). The facility does not provide pillows, but rather has them built into the mattresses, which were completely flat and dilapidated. Facility staff stated that guards are responsible for inspecting and replacing old mattresses. However, guards in the housing units said they wait for detainees to complain about old bedding before requesting new mattresses.

<sup>8</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 1.2, Environmental Health and Safety (Revised Dec. 2016). The pertinent part of this standard requires that the facility administrator shall ensure that staff and detainees maintain a high standard of facility sanitation and general cleanliness.

<sup>9</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 4.5, Personal Hygiene (Revised Dec. 2016). The pertinent part of this standard requires that all detainees shall be issued clean bedding, linens, and a towel and be held accountable for those items.



## OFFICE OF INSPECTOR GENERAL

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**Figure 6.** Detainee mattresses being held together with tied sheets. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

ICE standards<sup>10</sup> require that all detainees be allowed outdoor recreation time outside their living area. However, the Essex Facility lacks outdoor space, and recreation for detainees was located within housing units. We observed large glass enclosures inside detainee living areas with mesh cages at the top to allow in outside air (see figure 7). Facility staff indicated that ICE was going to build a soccer field for outdoor recreation when the facility began housing detainees in 2010, but ICE never completed the project. ICE records indicate discussions had taken place regarding outdoor recreation, but no agreements were made between ICE and the facility. Based on our review of the contract and ICE inspection records, ICE officials have never documented concerns regarding outdoor recreation in their weekly inspections or cited the facility for failure to meet this detention standard since it began housing detainees.

<sup>10</sup> ICE, *Performance-Based National Detention Standards, 2011*, Section 5.4, Recreation (Revised Dec. 2016). The pertinent part of this standard requires that “[d]etainees shall have access to exercise opportunities and equipment at a reasonable time of day, including at least one hour daily of physical exercise outside the living area, and outdoors when practicable. Facilities lacking formal outdoor recreation areas are encouraged to explore other, secure outdoor areas on facility grounds for recreational use. Daily indoor recreation shall also be available.”





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**Figure 7.** Mesh cages added to glass enclosure inside housing areas to provide “outdoor” recreation for detainees. Observed by OIG at the Essex Facility on July 24, 2018. *Source:* OIG

### Recommendation

**Recommendation:** We recommend ICE conduct an immediate, full review of the Essex County Correctional Facility and the Essex County Department of Corrections’ management of the facility to ensure compliance with ICE’s 2011 *Performance-Based National Detention Standards*. As part of this assessment, ICE must review and ensure compliance with those standards addressing:

1. Unreported security incidents;
2. Food safety; and
3. Facility conditions that include ceiling leaks, unsanitary shower stalls, bedding, and outdoor recreation areas.

### Management Comments and OIG Analysis

We obtained management comments to the draft report from ICE. We included a copy of those comments, in their entirety, in appendix A. We also made other revisions, where appropriate, to address separate technical comments ICE provided. We consider the recommendation resolved and open. A summary of ICE’s response and our analysis follows.

**ICE Response:** Concur. ICE immediately initiated a follow-up review process. All areas of the OIG inspection results were thoroughly examined, and necessary actions were initiated to ensure facility compliance with the PBNDS [*Performance-Based National Detention Standards*].





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

ICE took action to address unreported security incidents including interviewing the detainee who claimed to have found the firearm and reviewing facility documentation on the firearm incident. Ultimately, ICE issued the facility a Contract Discrepancy Report for failure to report the incident to ICE as required under the facility contract.

In reference to the food safety issues, ERO [Enforcement and Removal Operations] Newark management and staff took the following specific actions: ICE officers observed an immediate, thorough on-the-spot response by Essex County Correctional Facility Food Service staff to remedy the food storage concerns. Food storage inventory was properly dated, documented, and packaged in compliance with the ICE PBNDS 2011 Standard for Food Service. Additionally, the facility food services manager was immediately replaced by the food service contractor with a corporate, management-level, food services professional. ERO Newark officers and the facility's ICE Detention Service Manager conduct daily inspections of the food services area to ensure continuity of compliance measures. The food service contractor was also issued a Contract Discrepancy Report for the deficiencies in food management. Facility management and the ICE Quality Assurance Coordinator have been assigned to conduct spot audits of the food service kitchen on a weekly basis to ensure compliance.

In reference to the facility conditions, ERO Newark management and staff took the following specific actions: ICE officers observed an immediate response by facility operational staff to remedy the facility concerns. On a scheduled rotation, all ICE detainee housing units were emptied and thoroughly cleaned and disinfected using steam pressure-washers. Repairs, reconditioning, and painting of walls and ceilings, and hardware were completed throughout the housing units. All detainee mattresses that had signs of wear were replaced. Facility management staff has incorporated a new maintenance schedule to prevent reoccurrence. In addition, the facility was given another Contract Discrepancy Report for the poor facility conditions.

To ensure ongoing compliance with ICE's 2011 PBNDS at the Essex facility, ICE will schedule quarterly meetings with respective stakeholders. In addition, ERO will conduct a detailed follow-up inspection within the next 6 months to ensure corrective measures have been completed. Lastly, ERO will initiate discussions with the Essex County Correctional Facility management staff to determine whether a dedicated outdoor recreation area is feasible. Estimated Completion Date: June 30, 2019.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

**OIG Analysis:** We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation when we receive documentation confirming the completion of the follow-up inspection and modifications made for outdoor recreation.

### Scope and Methodology

We visited the Essex County Correctional Facility as part of our larger effort to inspect ICE detention facilities. We used ICE's 2011 *Performance-Based National Detention Standards* to conduct our inspection, as these are the standards under which the facility reported currently operating. These standards, developed in coordination with component stakeholders, prescribe the expected outcomes of each standard and the expected practices required to achieve them. ICE detention standards were designed to improve safety, security, and conditions of confinement for detainees.

During our inspection, we interviewed the following ICE staff members: ICE Assistant Field Office Director, Supervisory Detention and Deportation Officer, and Detention Services Manager. We interviewed employees of the Essex County Department of Corrections, including the Director, Compliance Officer, Grievance Coordinator, Classification Officer, Segregation Supervisor, and Assistant Health Services Administrator. We also interviewed detainees held in the general population and segregation. We reviewed documentation from previous ICE inspections, facility documents, detainee records, and documentation of grievances.

As part of our inspection, we toured the following areas of the facility:

- General medical unit for detainees
- Kitchen
- Special Management Unit (segregation)
- Modular housing units, including individual cells, and open bay dormitories
- Facility intake
- Control room

We also reviewed ICE and Essex County Department of Corrections documentation related to facility violations, contract modifications and penalties, and repairs.

We conducted this review from July 2018 to September 2018 under the authority of the *Inspector General Act 1978*, as amended, and in accordance with the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency. Major contributors to this



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report are John D. Shiffer, Chief Inspector; Stephanie Christian, Lead Inspector; Ryan Nelson, Senior Inspector; and Adam Brown, Independent Reference Reviewer.



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### Appendix A

### ICE Response to the Draft Management Alert

*Office of the Chief Financial Officer*


U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536



U.S. Immigration  
and Customs  
Enforcement

December 19, 2018

MEMORANDUM FOR: John V. Kelly  
Senior Official Performing the Duties  
of the Inspector General

FROM:   
Stephen A. Rohcone  
Chief Financial Officer and  
Senior Component Accountable Official

SUBJECT: Management Response to OIG Draft Report: "Issues  
Requiring Action at the Essex County Correctional Facility in  
Newark, New Jersey" (Project No. 17-123-ISP-ICE (Essex))

Thank you for the opportunity to review and comment on this draft report. U.S. Immigration and Customs Enforcement (ICE) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

ICE is committed to continually enhancing the safety, rights, and health of detainees in ICE's care. In its prior work, the OIG acknowledged ICE's collaboration with stakeholders for more than a decade to improve the safety, security, and conditions of confinement for detainees. ICE utilizes a layered approach to monitor detention conditions at facilities, with processes in place to implement corrective actions if it finds that facilities are not in compliance with ICE detention standards. ICE's detention operations are governed by national detention standards and are overseen by field office personnel, inspections by ICE's Office of Professional Responsibility, and other programmatic oversight and inspections by ICE's Office of Enforcement and Removal Operations (ERO). ICE works daily to ensure that facilities comply with ICE detention standards or take the necessary corrective action to address problems and concerns.

In alignment with its approach to monitoring detention conditions, ICE has completed multiple inspections of the Essex County Correctional Facility (ECCF) in recent years. For example, ICE has completed its annual contract inspections, and the ICE Office of Detention Oversight performed a facility review in April 2016. When deficiencies were identified, the facility proposed a Uniform Corrective Action Plan, and ICE ensured corrections were completed. ICE will continue these efforts as it addresses the OIG's findings, and will work to gain compliance of its performance standards at the facility.

[www.ice.gov](http://www.ice.gov)



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The draft report contained one recommendation with which ICE concurs. Attached find our detailed response to the recommendation. Technical comments were previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact us if you have any questions. We look forward to working with you again in the future.

Attachment





## OFFICE OF INSPECTOR GENERAL

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### Attachment: Management Response to Recommendation Contained in 17-123-ISP-ICE (Essex)

**Recommendation:** We recommend ICE conduct an immediate, full review of the Essex County Correctional Facility and the Essex County Department of Corrections' management of the facility to ensure compliance with ICE's 2011 *Performance-Based National Detention Standards* [PBNDS]. As part of this assessment, ICE must review and ensure compliance with those standards addressing:

1. Unreported security incidents
2. Food safety
3. Facility conditions that include ceiling leaks, unsanitary shower stalls, bedding, and outdoor recreation areas.

**Response:** Concur. ICE ERO Newark discussed the OIG's findings with the auditors at the conclusion of the inspection, and immediately initiated a follow-up review process. All areas of the OIG inspection results were thoroughly examined, and necessary actions were initiated to ensure ECCF compliance with the PBNDS.

1. In reference to the unreported security incidents, ERO Newark management and staff took the following specific actions:

On July 30, 2018, ERO Newark officers conducted a personal interview with the detainee claiming to have located the firearm. The detainee repeated his assertion to the OIG auditors that he was the one who found the weapon; however, he could not provide information about anyone else who could corroborate his story and no other supportive evidence was discovered to substantiate his claim. ERO Newark officers confirmed that there are no surveillance cameras that would provide video evidence of activity in the area of the found weapon.

ERO Newark received a copy of the complete investigation conducted by ECCF officials. The report clearly states an ECCF officer located the firearm, which was reportedly left in the bathroom stall by an officer prior to departing the facility at the end of his shift. ECCF also included the disciplinary actions that were taken on the officer that left his gun in the officers' bathroom. A copy of the complete report was provided to the DHS OIG auditors prior to the completion of their inspection.

ERO Newark received no previous notification from ECCF about the found firearm, nor did the detainee witness previously come forward with his claim of finding the weapon to the ERO Newark officers or Detention Services Manager (DSM) who are assigned to tour the ECCF housing units daily. ERO Newark was unable to confirm the validity of either the ICE detainee's description, or the ECCF official report description of the incident.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

The ECCF incident report and follow up inquiries by ERO Newark were reviewed by ERO Newark management, and ECCF was ultimately cited for failing to report the incident as addressed in ERO Newark Contract Discrepancy Report (CDR) 24, dated August 2, 2018. The CDR noted that ECCF, as per the contract (Article 21. Incident Reporting: Incident Reporting shall be in accordance with Attachment (6), Performance Work Statement, Section IIL A, 6-7), is required to immediately report any violations or attempted violations of employee standards of conduct related incidents, which are out of the ordinary or non-routine.

2. In reference to the food safety issues, ERO Newark management and staff took the following specific actions:

On July 24, 2018, ERO Newark officers observed an immediate, thorough on-the-spot response by ECCF Food Service staff to remedy the food storage concerns. Food storage inventory was properly dated, documented, and packaged in compliance with the ICE PBNDS 2011 Standard for Food Service. Additionally, the ECCF food services manager was immediately replaced by the food service contractor with a corporate, management-level, food services professional. ERO Newark officers and the ECCF ICE DSM conduct daily inspections of the food services area to ensure continuity of compliance measures.

The OIG auditor findings and follow up inquiries by ERO Newark were reviewed by ERO Newark management, and ECCF was ultimately cited for the food service deficiencies addressed in ERO Newark CDR 25, dated August 27, 2018. As a result, ECCF management and the Quality Assurance Coordinator have been assigned to conduct spot audits of the food service kitchen on a weekly basis.

3. In reference to the facility conditions, ERO Newark management and staff took the following specific actions:

On July 24, 2018, ERO Newark officers observed an immediate response by ECCF operational staff to remedy the facility concerns. On a scheduled rotation, all ICE detainee housing units were emptied and thoroughly cleaned and disinfected using steam pressure-washers. Repairs, reconditioning, and painting of walls and ceilings, and hardware were completed throughout the housing units. All detainee mattresses that had signs of wear were replaced. ECCF management staff has incorporated a new maintenance schedule to prevent reoccurrence.

The OIG auditor findings and follow up inquiries by ERO Newark were reviewed by ERO Newark management, and ECCF was ultimately cited for the facility conditions addressed in ERO Newark CDR 25, dated August 27, 2018. As a result, ECCF



## OFFICE OF INSPECTOR GENERAL

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supervisory and management staff and the Quality Assurance Coordinator have been assigned to maintain daily on-the-spot corrections of facility conditions.

ICE ERO is evaluating the responses to the CDRs and will determine necessary contract penalties. To ensure ongoing compliance with ICE's 2011 PBNDS at ECCF, ICE ERO will schedule quarterly meetings with respective stakeholders. In addition, ERO will conduct a detailed follow-up inspection within the next six months to ensure corrective measures have been completed. Lastly, ERO will initiate discussions with the ECCF management staff to determine if a dedicated outdoor recreation area is feasible. Estimated Completion Date: June 30, 2019.



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### **Appendix B Report Distribution**

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